

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CRIMINAL NO. <u>19-CR-0564 WJ</u>
	)	
<b>LOWELL BEGAY,</b>	)	
	)	
Defendant.	)	

**UNITED STATES' RESPONSE TO DEFENDANT'S MOTION TO TRANSPORT  
DEFENDANT TO COURT FOR PSYCHOLOGICAL FORENSIC TESTING**

The United States of America hereby responds to the defendant, Lowell Begay's request to have him transported to the courthouse for psychological forensic testing. (Doc. 70.) For the reasons set forth below, the United States maintains that the appointment should take place at the jail where Defendant is currently being held pending trial.

1. The United States does not object to Defendant's request to have Defendant evaluated, however Defendant's request to have this appointment at the courthouse does not appear to be appropriate at this time.
2. Due to the current Covid-19 pandemic in person visits are currently suspended at the Cibola County Correctional Center (CCCC). However, according to the United States Marshals Service (USMS), in person visits will resume once CCCC is off lockdown and a doctor can go out to the facility at that time.
3. Counsel for the United States conferred with Sean Cozart with the USMS regarding Defendant's motion. The USMS opposes Defendant's request to have his appointment at the courthouse due to the undue burden at this time to assign personnel to safely transport Defendant from CCCC to the courthouse and to further accommodate the appointment at

the courthouse given Covid-19.

4. In addition, according to the USMS, there is ample space at CCCC to safely have Defendant's appointment at the facility and to maintain social distancing and other appropriate protocols.
5. Based on the concerns of the USMS, the United States opposes Defendant's request for his appointment to take place at the courthouse. Instead, it appears that CCCC is the best location at this time once in person visits resume.

For the foregoing reasons, this Court should deny Defendant's request to be transported to the courthouse at this time.

Respectfully submitted,

JOHN C. ANDERSON  
United States Attorney

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I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification to defense counsel of record on this date.

**Electronically Filed 11/19/20**  
DAVID PATRICK COWEN  
Assistant United States Attorney